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object in an aqueous organic solvent solution. The method also includes mixing at least one polymerization catalyst, wherein MEKP is among those suggested.

Leveskis teaches a non-hazardous ketone peroxide composition comprising a ketone peroxide (MEKP), any solvent with a boiling point between 185-225° C, a storage stabilizer, and any other components used in ketone peroxide compositions such as phthalate ester. The amount of ketone peroxide in the composition is an amount that will provide an active oxygen content in the final product of about 9-12%.

Brusky teaches a method for preparing poly(2-hydroxyethyl methacrylate) PHEMA polymers. The method restricts HEMA to contain less than about 0.5 wt. % polyfunctional acrylate content. The method includes mixing together HEMA, and organic solvent, a free radical initiator (MEKP) and then heating the mixture. The method specifically teaches away from using ethyl acetate as a solvent, stating that good results are not provided when using ethyl acetate.

Sekine teaches a concrete non-cure material for preventing the surface of cement mortar from setting or hardening. The concrete non-cure material layer comprises a mixture of 60 parts of a polyester resin and 40 parts of a monomer and incorporated with 1 to 5 parts of a mixture with MEKP and dimethyl phthalate as a curing agent.

Parish teaches a sprayable coating composition comprising vinyl ester resins and polyester resins with an organic solvent mixture, a catalyst component (MEKP), and a second organic solvent.

In order to be anticipated, there must be a showing that each limitation of a claim is found in a single reference. *In re Donohue*, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). The "exclusion of a claimed element from a prior art reference is enough to

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negate anticipation by that reference." *Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 750 F.2d 1569, 1574, 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984).

Claim 1, as amended, recites a primer composition that comprises an ester, methyl ethyl ketone peroxide in an amount between 1% and 5% by weight, and a sufficient amount of solvent to stabilize the methyl ethyl ketone peroxide. The ester is selected from the group consisting of polyester, vinyl ester, vinyl polyester, and mixtures thereof. The solvent is selected from the group consisting of ethyl acetate, methyl acetate, t-butyl acetate, and mixtures thereof. None of the cited references teach this exact combination for a primer composition. Every element is not taught in the references, therefore, the rejection of claim 1 under 35 USC § 102 (b) can not stand.

Claims 2, 4, and 6 have been canceled. Claim 1 is shown to be novel, thus claims 3, 5, and 7 which depend from independent claim 1 are also novel.

Claim 8 is directed to a method of stabilizing a methyl ethyl ketone peroxide catalyst for a primer composition. The steps include mixing the methyl ethyl ketone peroxide with a solvent, stabilizing the methyl ethyl ketone peroxide and solvent mixture, and then adding the mixture to a primer composition. See amended claim 8. The solvent that is used can be ethyl acetate, methyl acetate, t-butyl acetate, and mixtures thereof. See amended claim 8. None of the references cited teach a method for stabilizing a methyl ethyl ketone peroxide catalyst. Furthermore, none of the references teach using the stabilizing the catalyst for a primer composition. Nor do the references teach stabilizing the catalyst with the solvents recited in amended claim 8. Every element of amended claim 8 is not recited in the references, therefore, the rejection of that claim under 35 USC §102(b) can not stand.

Claim 9 has been canceled. Claim 8 is shown to be novel, thus claims 10 and 11 which depend from independent claim 8 are also novel.

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Claims 12-15 are directed toward a stabilized MEKP catalyst composition comprising 15-40% by weight of MEKP and a sufficient amount of solvent to stabilize the MEKP. The solvent can be selected from ethyl acetate, methyl acetate, t-butyl acetate, and mixtures thereof. See amended claim 12.

None of the cited references teach a stabilized MEKP catalyst composition using the exact composition claimed. Every element of the invention is not taught by the references, therefore, the rejection of claim 12 under 35 USC § 102(b) can not stand. Claim 14 has been canceled. Claims 13 and 15 depend from independent claim 12. Independent claim 12 is shown to be novel, thus claims 13 and 15 are also novel.

Claims 1-15 are rejected under 35 USC § 102(e) as being anticipated by Patel (US 6,051,242). Patel teaches a quick dry coating composition for fingernails and toenails that comprises a base lacquer, secondary film-forming polymer, species compatible with film forming polymers, at least one plasticizer, a solvent system and a free radical source. MEK is mentioned, but there is no mention of MEKP.

Patel does not teach the exact combination claimed in amended claim 1 for a primer composition. Furthermore, Patel does not teach a stabilized methyl ethyl ketone peroxide catalyst or a method of making a stabilized methyl ethyl ketone peroxide catalyst for a primer composition. Thus, every element of independent claims 1, 8, and 12 are not taught in Patel. Therefore, the rejection of these claims under 35 USC § 102(e) can not stand. Claims 2, 4, 6, 9, and 14 have been canceled. Claims 3, 5, and 7 depend from claim 1; claims 10 and 11 depend from claim 8; and claims 13 and 15 depend from claim 12. Claims 1, 8, and 12 are shown to be novel, thus claim 3, 5, 7, 10, 11, 13, and 15 are also novel.

Claims 1-15 have been rejected under 35 USC 103(a) as being unpatentable over Shimizu or Leveskis or Brusky or Sekine or Parish or Patel. The references are explained

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above. None of the references teach or suggest the specific combination claimed for a primer composition. Rather, Shizmizu teaches a method of coating a metallic object wherein MEKP may be used as the catalyst in the solution, however, Shizmizu does not suggest stabilizing the MEKP by mixing MEKP with a solvent selected from ethyl acetate, methyl acetate, t-butyl acetate, and mixtures thereof, nor does Shizmizu suggest using this mixture in a primer composition.

Leveskis et al. teaches adding a heat desensitizing solvent and a storage stabilizing agent to MEKP. The storage stabilizing agent taught is vinyl pyrrolidone or polyvinyl pyrrolidone. Leveskis does not teach or suggest using ethyl acetate, methyl acetate, t-butyl acetate, and mixtures thereof to act as the stabilizing agent for the MEKP.

Brusky et al. teaches a method for preparing PHEMA that specifically teaches away from using methyl acetate and ethyl acetate as a solvent. See Col. 3, lines 21-26. Therefore, the claimed invention cannot be taught or suggested by Brusky.

Sekine teaches a concrete non-cure coating material layer that comprises a polyester resin, a monomer combined with a mixture of MEKP and dimethyl phthalate. See Col. 12, lines 20-28. There is not teaching or suggestion of using ethyl acetate, methyl acetate, t-butyl acetate, and mixtures thereof to act as the stabilizing agent for the MEKP.

Parish teaches a sprayable coating composition that does not suggest stabilizing MEKP before combining the MEKP with ethyl acetate, methyl acetate, t-butyl acetate, and mixtures thereof.

Patel teaches a composition for a quick-drying coating for application to fingernails and toenails, but does not teach using MEKP in the composition.

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Even if the references are combined the compositions and method recited in the amended claims are not taught because the exact combination for the exact purpose is not taught. None of the references suggest or motivate one skilled in the art to create a stabilized MEKP to use in a primer composition or a method of making the stabilized MEKP. Furthermore, none of the references suggest or motivate one skilled in the art to create a primer composition with the specific combination claimed. Claims 2, 4, 6, 9, and 14 have been canceled. Claims 3, 5, and 7 depend from claim 1; claims 10 and 11 depend from claim 8; and claims 13 and 15 depend from claim 12. Claims 1, 8, and 12 are shown to be nonobvious and patentable, thus claim 3, 5, 7, 10, 11, 13, and 15 are also nonobvious and patentable.

Claims 1-15 are rejected under 35 USC 112, second paragraph as being indefinite. Claim 1 has been amended to recite that the ester is selected from the group consisting of polyester, vinyl ester, vinyl polyester, and mixtures thereof. In addition, claims 1 and 8 have been amended to recite that the solvent is selected from the group consisting of ethyl acetate, methyl acetate, t-butyl acetate, and mixtures thereof.

The Examiner states that claim 8-15 are method claims, however, only claims 8-11 are method claims directed to a method of stabilizing a MEKP catalyst for a primer composition. Claims 12-15 are composition claims directed to a stabilized MEKP composition. Claim 8 has been amended for clarity by reciting a mixing step for the MEKP and solvent, a stabilizing step for the MEKP and solvent mixture, and an adding step for adding the MEKP and solvent mixture to a primer composition. See amended claim 8. Thus, Applicant believes the claims are definite and patentable.

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CONCLUSION

Applicants respectfully submit that, in view of the above remarks, the application is now in condition for allowance. Early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
KILLWORTH, GOTTMAN, HAGAN
& SCHAEFF, L.L.P.

By Julie Cope
Julie G. Cope
Registration No. 48,624

One Dayton Centre
One South Main Street, Suite 500
Dayton, Ohio 45402-2023
Telephone: (937) 223-2050
Facsimile: (937) 223-0724

JGC/amm

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APPENDIX

1. (Amended) A primer composition comprising:

an ester, selected from the group consisting of polyester, vinyl ester, vinyl polyester, and mixtures thereof;

methyl ethyl ketone peroxide in the amount of 1% and 5% by weight; and
a sufficient amount of solvent to stabilize the methyl ethyl ketone peroxide, wherein said solvent is selected from the group consisting of ethyl acetate, methyl acetate, t-butyl acetate, and mixtures thereof.

8. (Amended) A method of stabilizing a methyl ethyl ketone peroxide catalyst for a primer composition comprising the steps:

mixing methyl ethyl ketone peroxide with a sufficient amount of solvent [to stabilize the methyl ethyl ketone peroxide], wherein said solvent is selected from the group consisting of ethyl acetate, methyl acetate, t-butyl acetate, and mixtures thereof;

stabilizing said methyl ethyl ketone peroxide and solvent mixture [prior to adding]; and

adding said methyl ethyl ketone peroxide and solvent mixture to a primer composition.

12. (Amended) A stabilized methyl ethyl ketone peroxide catalyst comprising:

15-40% by weight of methyl ethyl ketone peroxide; and

a sufficient amount of a solvent to stabilize the methyl ethyl ketone peroxide.